



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate the South 174 Feet of Sacramento Street

MEETING DATE: August 5, 1998

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after reviewing the finding by the Planning Commission and the public comments from the subject public hearing, adopt the attached resolution approving the proposed abandonment pursuant to certain conditions and an access and maintenance agreement between all affected property owners, and authorize the City Manager to execute said agreement on behalf of the City.

BACKGROUND INFORMATION: At its regular meeting of July 1, 1998, the City Council adopted a resolution of intention to vacate the south 174 feet of Sacramento Street reserving, however, and excepting from the vacation, a permanent easement and right therein to construction, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and referred the matter to the Planning Commission.

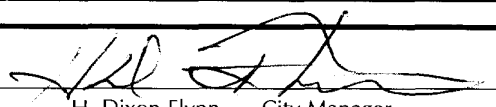
This street abandonment was initiated by City staff at the request of Gerald Vanderlans and E. J. Ebel, two of the three property owners who would be affected by the proposed abandonment. The third property owner is the City of Lodi which owns the Sacramento Street sanitary lift station site (see attached Exhibit A).

The Planning Commission, at its meeting of July 22, 1998, held a hearing to determine public need, present or future, for this street. Victor Schuh, representing Gerald Vanderlans, owner of Vanderlans & Sons, Inc. and 1320, 1325, 1328 and 1345 South Sacramento Street, stated the abandonment is needed to allow room for rapid growth. Additional parking is also needed and an area for loading and unloading their trucks. Without the street abandonment, they are limited on their plans for an expansion. The Planning Commission, after hearing testimony, determined that the proposed abandonment would not be detrimental to the City's circulation system and is in keeping with the principles of the General Plan.

Pacific Bell, MediaOne, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

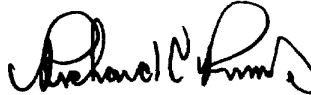
In addition, maintenance and access issues need to be resolved via an agreement between the three affected property owners. Staff recommends that the City require the following as conditions of the abandonment:

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

- Curb, gutter, and sidewalk be constructed across Sacramento Street to clearly delineate the end of the public street.
- Permit 24-hour access along with a clear pathway to the lift station site and an area adjacent to the lift station that is free from obstructions of sufficient size for maintenance equipment.
- All maintenance costs of abandoned right of way are to be borne by Mr. Vanderlans and Mr. Ebel.
- The City, as a property owner fronting onto Sacramento Street, is entitled to a portion of the abandoned right of way which will amount to approximately 550 square feet. The City will retain the right to use up to this amount of square footage of property in front of the lift station for its future expansion, if needed.

FUNDING: Not applicable.



Richard C. Prima, Jr.  
Public Works Director

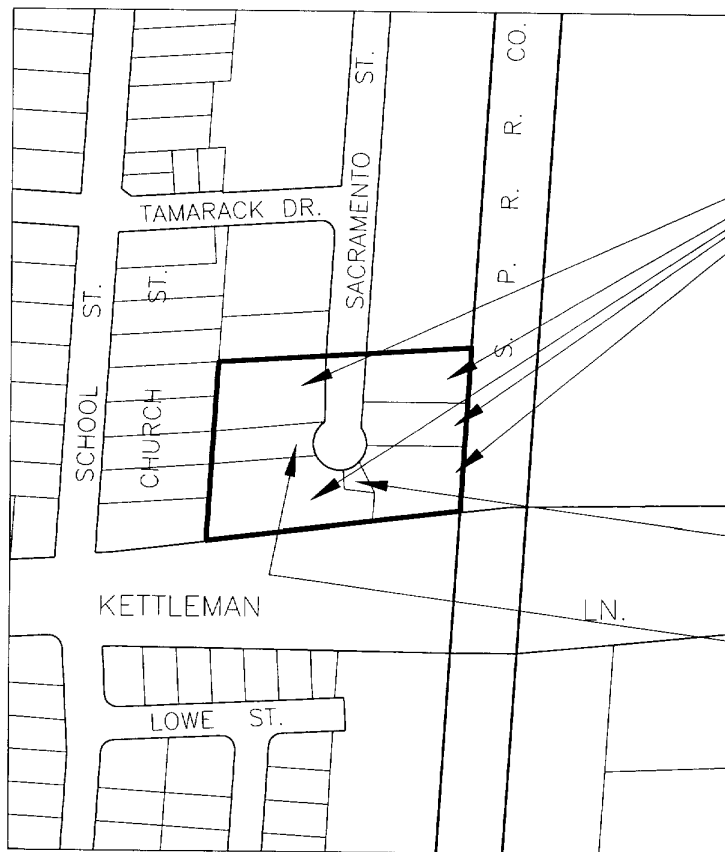
Prepared by Bob Murdoch, City Engineer  
RCP/RKM/lm  
Attachments  
cc: City Attorney  
Community Development Director  
Gerald Vanderlans  
E. J. Ebel



CITY OF LODI

PUBLIC WORKS DEPARTMENT

# EXHIBIT A



"HELMENSTEIN TRACT"

Vanderlans, G., etal

City of Lodi

Ebel, E V, Trs.



N.T.S.

PLEASE RECORD AND RETURN TO:  
Alice M. Reimche, City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 98-121

A RESOLUTION OF THE LODI CITY COUNCIL VACATING THE  
SOUTH 174 FEET OF SACRAMENTO STREET PURSUANT TO  
CERTAIN CONDITIONS AND ACCESS AND MAINTENANCE  
AGREEMENT BETWEEN ALL AFFECTED PROPERTY  
OWNERS, AND FURTHER AUTHORIZING THE CITY  
MANAGER TO EXECUTE SAID AGREEMENT

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WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 1<sup>st</sup> day of July, 1998 pass and adopt a Resolution of Intention No. 98-109 therein declaring the intention of said City Council to vacate that portion of Sacramento Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

The South 174 Feet of Sacramento Street

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, August 5, 1998, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the August 5, 1998 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Sacramento Street is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi; and

WHEREAS, all affected property owners have agreed to the vacation pursuant to certain conditions and an access and maintenance agreement.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that South 174 Feet of Sacramento Street, Lodi, California and more particularly described as follows:

The South 174 Feet of Sacramento Street, Lodi, California, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: August 5, 1998

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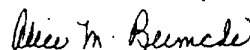
I hereby certify that Resolution No. 98-121 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 5, 1998, by the following vote:

AYES: COUNCIL MEMBERS - Johnson, Land, Mann, Pennino and Sieglock  
(Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

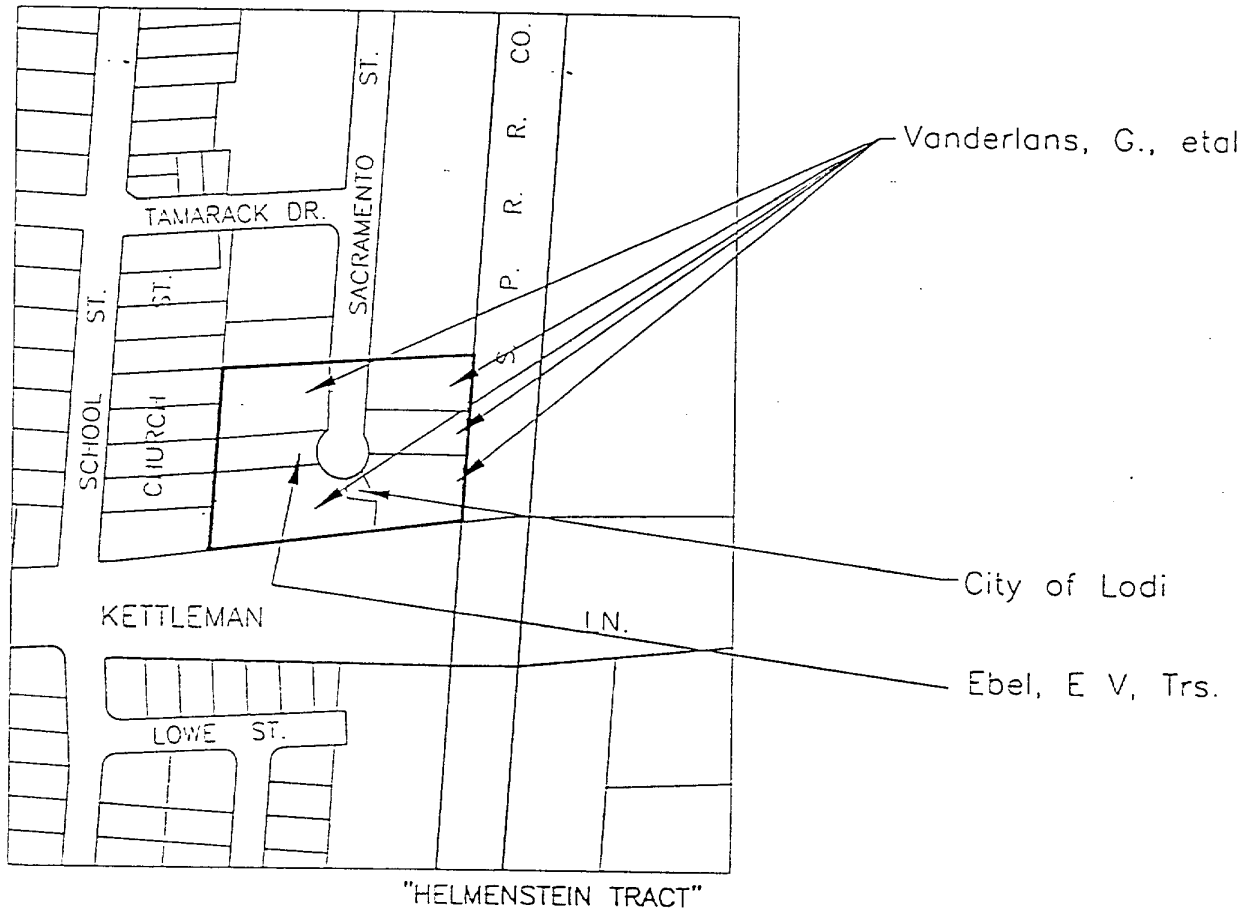
  
ALICE M. REIMCHE  
City Clerk



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A



N.T.S.



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: August 5, 1998

Time: 7:00 p.m.

For information regarding this notice please contact:

**Alice M. Reimche**

**City Clerk**

**Telephone: (209) 333-6702**

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 5, 1998** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) intention to abandon the south 174 feet of Sacramento Street.

Further, this matter was referred to the Planning Commission to be heard on July 22, 1998.  
An original map is on file with the City Clerk's Office.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

Alice M. Reimche  
City Clerk

Dated: July 1, 1998

Approved as to form:

Randall A. Hays  
City Attorney

PLEASE RECORD AND RETURN TO:  
Alice M. Reimche, City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 98-109

A RESOLUTION OF THE LODI CITY COUNCIL  
DECLARING ITS INTENTION TO VACATE THE SOUTH  
174 FEET OF SACRAMENTO STREET

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BE IT RESOLVED by the City Council of the City of Lodi as follows:

Acting under the authority of Section 8333 of the Streets and Highways Code, the Lodi City Council hereby approves the vacation of 174 feet of Sacramento Street, Lodi, California, as shown in San Joaquin County Records as follows:

**Sacramento Street as shown on "Helmenstein Tract" as filed for record in Book of Maps and Plats, Volume 13, at page 108, San Joaquin County Records.**

Reference is hereby made to a drawing on file in the office of the City Clerk of the City of Lodi showing the particulars of the vacation.

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in the 174 feet of Sacramento Street as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

**Vanderlans, Gerald J.; Ebel, Elton J. & V TRS; City of Lodi**

Dated: July 1, 1998

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I hereby certify that Resolution No. 98-109 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 1, 1998, by the following vote:

AYES: COUNCIL MEMBERS – Johnson, Land, Mann, Pennino and Sieglock  
(Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

  
ALICE M. REIMCHE  
City Clerk





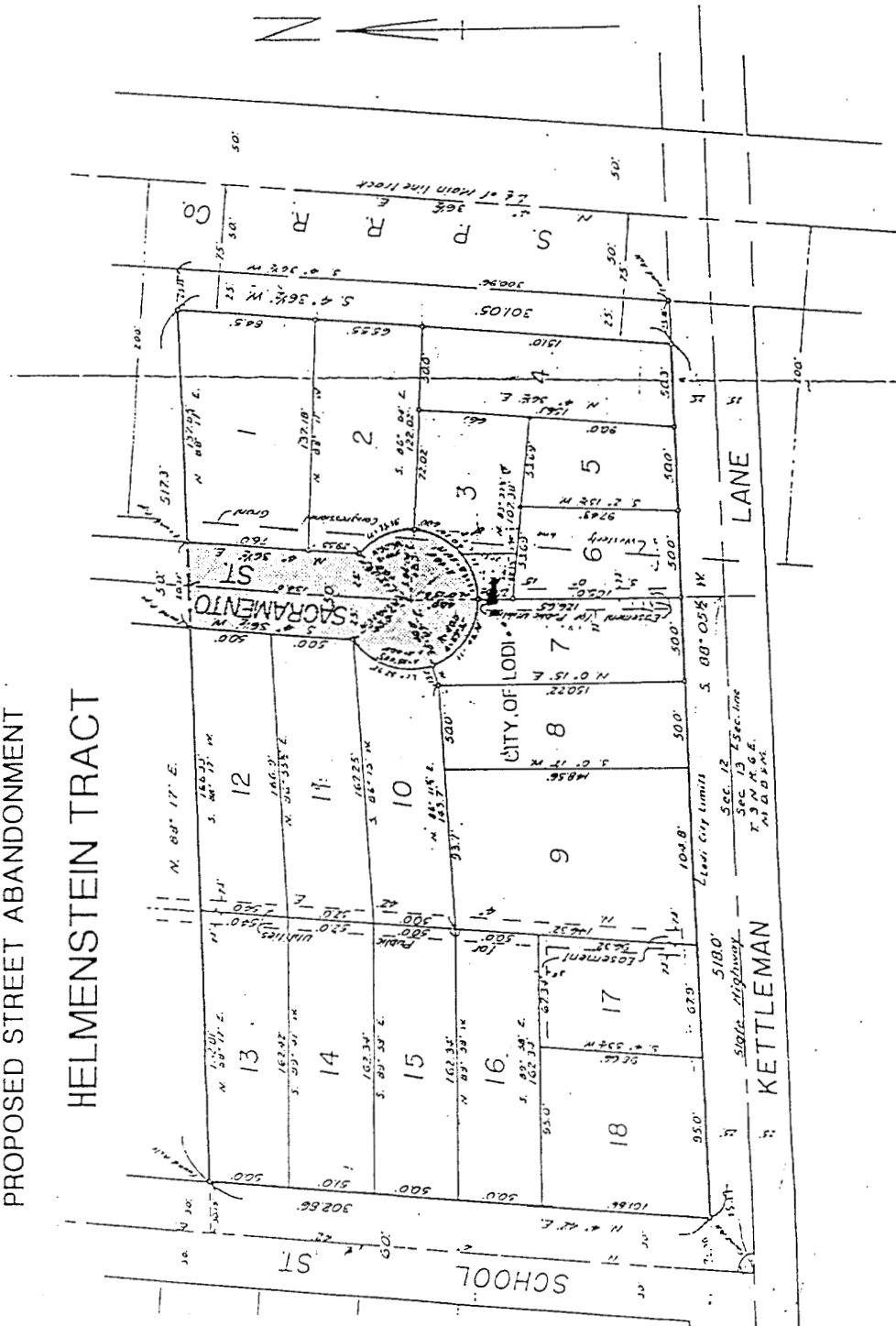
# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## PROPOSED STREET ABANDONMENT

PROPOSED STREET ABANDONMENT

HELMENSTEIN TRACT





## **DECLARATION OF MAILING**

### **SET PUBLIC HEARING FOR 8/5/98 RE: VACATION OF 174 FT OF SACRAMENTO STREET**

On July 2, 1998, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 1998, at Lodi, California.

ORDERED BY:

**ALICE M. REIMCHE  
CITY CLERK**

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Jacqueline L. Taylor  
Deputy City Clerk

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Jennifer M. Perrin  
Deputy City Clerk

# CITY OF LODI

CITY HALL, 221 W. PINE ST.  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

Office of the City Clerk

|||||

Mr. Gerald Vanderlans  
Vanderlans & Sons, Inc.  
P.O. Box 758  
Lodi, CA 95241

# CITY OF LODI

CITY HALL, 221 W. PINE ST.  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

Office of the City Clerk

|||||

Mr. E. J. Ebel  
225 Charles Street  
Lodi, CA 95240

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
KEITH LAND  
Mayor Pro Tempore  
ROBERT J. JOHNSON  
STEPHEN J. MANN  
PHILLIP A. PENNINO

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

July 29, 1998

H. DIXON FLYNN  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RANDALL A. HAYS  
City Attorney

Mr. Gerald Vanderlans  
Vanderlans & Sons, Inc  
P. O. Box 758  
Lodi, CA 95241

Mr. E. J. Ebel  
225 Charles Street  
Lodi, CA 95240

SUBJECT: Public Hearing to Consider Resolution/Order to Vacate the South 174 Feet  
of Sacramento Street

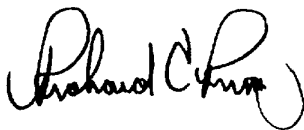
Enclosed is a copy of background information on an item on the City Council  
agenda of Wednesday, August 5, 1998. The meeting will be held at 7 p.m. in the  
City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and  
speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,  
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the  
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's  
card (available at the Carnegie Forum immediately prior to the start of the meeting) and  
give it to the City Clerk. If you have any questions about communicating with the  
Council, please contact Alice Reimche, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Bob Murdoch at 333-6706.



Richard C. Prima, Jr.  
Public Works Director

RCP/lm

Enclosure

cc: City Clerk